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1974

WARRANT
for
SPECIAL TOWN MEETING

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OCTOBER 30, 1974

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WARRANT FOR SPECIAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

To any of the Constables of the Town of Wayland, in said County:

Greetings:

In the name of the Commonwealth you are required to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet in the High School Field House on

WEDNESDAY, OCTOBER 30, 1974

at 7:45 P.M., then and there to act on the following articles:

ARTICLE 1. To see if the Town will vote to appropriate the sum of $98,337.50 to pay monies borrowed in anticipation of serial issue and expended for the acquisition of the Cutler, Damon, Barrel and Burke/Morgan tracts pursuant to vote of the Town under Article 19 of the Warrant for the 1972 Annual Town Meeting and Articles 19, 20 and 21 of the Warrant for the October 16, 1972 Special Town Meeting and to provide such appropriation by transfer from available funds, "Estimated Receipts," or take any action relative thereto.

RECOMMENDATION:

This Article was inserted in the Warrant by the Conservation Commission to see if the Town will vote to appropriate $98,337.50 to be used to pay off the borrowing in anticipation of serial debt. This is a purely ministerial act required by the Bureau of Accounts and does not involve the expenditure of any new funds.

The Finance Committee recommends approval of the article.

ARTICLE 2. To see if the Town will vote to appropriate a sum or sums of money for the operation and expenses of any or all of the following departments:

GENERAL GOVERNMENT

Wayland Town Building - New Heating System

to determine whether such appropriation shall be provided by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the provisions of Chapter 44 of the General Laws, or otherwise; and to determine what Town officer, board, or committee or combination of them shall be authorized to expend the money appropriated therefor; or take any action relative thereto.

RECOMMENDATION:

This Article was inserted in the Warrant by the Board of Selectmen to see if the Town will appropriate funds to repair the heating system in the Wayland Town Building. The heating system consists of pipes embedded in the concrete floors and is divided into three zones, one for the fire department, one for the police department, and one for the other town offices. The system in the police department failed in 1972 and has been repaired. The system in the fire department failed last spring and now needs to be repaired before the onset of winter. The system in the town offices is nearing failure and should be repaired in the very near future. Because it is anticipated that it will be less expensive overall to make all of the repairs at one time the Article looks to the appropriation of approximately $62,560.00 to complete the task. It is expected that a firm bid will be in hand prior to the Town Meeting so that the exact cost will be known at that time.

The Finance Committee recommends approval of the article.

ARTICLE 3. To see if the Town will amend it's By-Laws by deleting the underlined language from Section 2 of Article 1

> Section 2. Service of the warrant for the annual election and the annual Town Meeting, and for any special Town Meeting, shall be made by posting attested copies thereof at the Town Building and at the public libraries in Cochituate and in Wayland Center, and by mailing or delivering a copy thereof addressed to each registered voter at his or her residence, seven days at least before the time appointed for such election or meeting.

and by substituting therefor the following: "to each residence in the Town,"; or take any action relative thereto.

RECOMMENDATION: This Article was inserted in the Warrant by the Board of Selectmen to see if the Town will vote to amend the By-Laws to provide that only one copy of the Warrant for a Town Meeting shall be mailed to each residence in the Town. The purpose of this amendment is to reduce the cost of printing and mailing copies of the Warrant, and estimated savings of $800.00 per Town Meeting are expected. Additional copies of the Warrant will be available upon request at the Town Hall and at each meeting. Town Counsel advises that the mailing of Warrants under the revised by-law would satisfy the requirements of law for notice of a town meeting.

The Finance Committee recommends approval of the article.

ARTICLE 4. To see if the Town will accept the report of the Personnel Board and vote to amend the Wage and Salary Classification Plan previously adopted by the Town by making the following additions, deletions or modifications and by establishing effective dates for said amendments:

(a) Amend ARTICLE II, SECTION I, SCHEDULE A in the following respect:

(1) By adding:

Assistant Park and Recreation Superintendent - G Schedule (effective 4/74)

Inspector Department of Health - Miscellaneous schedule (effective 3/1/74)

New classifications for Highway Department only:

Equipment Operator Light - H-5
Equipment Operator Medium - H-6
Equipment Operator Heavy - H-7
Grader Operator - H-8
Working Foreman, Highway - H-10
Master Mechanic, Highway - H-11

(b) Amend ARTICLE II, SCHEDULE B, by deleting the entire schedule presently shown and substituting therefor a schedule on file with the office of the Town Clerk and entitled:

SCHEDULE B
GENERAL ANNUAL SALARY
(Effective July 1, 1974 through June 30, 1975)

(c) Amend ARTICLE II, SCHEDULE D by deleting the entire schedule presently shown, and substituting therefor a schedule on file with the office of the Town Clerk and entitled:

SCHEDULE D
POLICE ANNUAL SALARY SCHEDULE
(Effective July 1, 1974 through June 30, 1975)

(d) Amend ARTICLE II, SCHEDULE E, by deleting the entire schedule presently shown, and substituting therefor a schedule on file with the office of the Town Clerk and entitled:

SCHEDULE E
FIRE ANNUAL SALARY SCHEDULE

(Effective July 1, 1974 through June 30, 1975)

(e) Amend ARTICLE II, SCHEDULE F, by deleting the entire schedule presently shown and substituting therefor a schedule on file with the office of the Town Clerk and entitled:

SCHEDULE F
HOURLY WAGE SCHEDULE
(Effective July 1, 1974 through June 30, 1975)

(f) Amend ARTICLE II, SCHEDULE G, by deleting the entire schedule presently shown and substituting therefor a schedule on file with the office of the Town Clerk entitled:

SCHEDULE G
ADMINISTRATIVE AND PROFESSIONAL
ANNUAL SALARY SCHEDULE
(Effective July 1, 1974 through June 30, 1975)

14
6 15
8 16

Position	Annual Salary 7/1/74 through 6/30/75
Assistant Detached Social Worker	$10,000
Assistant Park and Recreation Superintendent	12,000*
Administrative Assistant	11,500
Data Processing Coordinator	12,000
Librarian	13,000
Treasurer-Collector	13,900
Building & Zoning Inspector	15,000
Park & Recreation Superintendent	15,500*
Town Surveyor	16,500
Town Accountant	17,500
Highway Superintendent	18,300
Water Superintendent	17,800
Detached Social Worker	18,300
Executive Secretary	19,000
Fire Chief	open
Police Chief	

*Subject to review as of October 1, 1974.

(g) Amend ARTICLE II, by adding as Schedule H, therefor a schedule on file with the office of the Town Clerk and entitled:

SCHEDULE H
MISCELLANEOUS SALARY AND WAGE SCHEDULE
(Effective July 1, 1974 through June 30, 1975)

(h) Amend ARTICLE II by adding as Schedule I therefor a schedule on file with the office of the Town Clerk and entitled:

SCHEDULE I
HIGHWAY HOURLY WAGE SCHEDULE
(Effective July 1, 1974 through June 30, 1975)

or take any action relative thereto.

ARTICLE 5. To see if the Town will authorize the Conservation Commission to acquire by purchase, eminent domain, gift or otherwise, for conservation purposes including outdoor recreation, the fee or any lesser interest in a vacant parcel of land without street frontage with the trees thereon standing in the name of Rowe Realty Trust, containing about 9.88 acres, recorded with Middlesex South District Deeds in Book 9911 Page 105 and entitled "FORTY ACRES ESTATE SUBDIVISION PLAN OF LAND ON

RECOMMENDATION:

The Finance Committee concurs in the report of the Personnel Board and recommends approval of the article.

While approval is recommended, it should be pointed out to the voters that the amendment of the Wage and Salary Classification Plan has meaning with respect only to those employees in the Town that are not covered by a collective bargaining agreement, since collective bargaining agreements take precedence over and are the controlling document in determining the pay scale of the personnel covered by the agreements. Under the law, the voters of the Town have the right to pass upon and accept or reject a collective bargaining agreement if they do so at a Town Meeting held within 30 days of reaching a settlement. Since the personnel board was negotiating with four separate bargaining units, each of which reached an agreement at a different time, it was, as a practical matter, not possible to bring the question of the contracts to the voters for ratification or disapproval. While, as stated, the approval or disapproval of the personnel board's motion to amend the wage and salary plan under this article will have no binding effect it is the position of the Personnel Board and the Finance Committee that the approval or disapproval of the motion would be construed by them as a general approval or disapproval of the efforts of the Personnel Board to reach settlements in contract negotiations which the Town would be willing to accept. Consequently, the Personnel Board and the Finance Committee will be interested in any comments, debate and the vote as an expression of the voters' feelings about the direction in which our labor negotiations and settlements have taken during the past year.

COCHITUATE ROAD IN WAYLAND, MASS. OWNED BY ROWE REALTY TRUST A. WILLIAM ROWE, TRUSTEE SCALE 1 IN.=50 FT. APRIL 14, 1961 EVERETT M. BROOKS CO. CIVIL ENGINEERS NEWTONVILLE, WAYLAND & W. ACTON, MASS.", and more fully described as follows:

Beginning at a point at the Northeasterly corner of Lot 1, said point being N 86-10-54 E, two hundred ninety and 00/100 feet from a stone bound at the intersection of the Easterly sideline of Forty Acres Drive and the Northerly sideline of Lot 1; thence

N 86-10-54 E,	thirty two and 21/100 (32.21) feet to a stone bound; thence
N 87-58-53 E,	five hundred ninety eight and 01/100 (598.01) feet to a stone bound; thence
N 88-24-35 E,	one hundred four and 16/100 (104.16) feet; thence
N 88-53-10 E,	ninety one and 69/100 (91.69) feet; thence
S 3-15-10 E,	one hundred ninety and 27/100 (190.27) feet; thence
S 6-07-39 E,	one hundred fifty two and 53/100 (152.53) feet; thence
S 83-52-21 W,	one hundred thirty and 00/100 (130.00) feet; thence
S 10-55-39 E,	one hundred twenty six and 71/100 (126.71) feet; thence
S 38-13-08 W,	two hundred one and 56/100 (201.56) feet; thence
S 63-17-06 W,	three hundred twenty four and 34/100 (324.34) feet; thence
N 23-45-58 W,	eight hundred twenty six and 27/100 (826.27) feet; to the point of beginning.

to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds,

by borrowing under the provisions of Chapter 44 of the General Laws, or otherwise; or take any action relative thereto.

RECOMMENDATION:

This Article was inserted in the Warrant by the Conservation Commission to see if the Town will acquire for conservation purposes the parcel of land containing approximately 9.88 acres which lies behind the homes on the north side of 40 Acres Drive, partly in the flood plain of a tributary of Pine Brook. This is one of several contiguous parcels listed in the 1966 Conservation Master Plan which together would comprise the Pine Brook Conservation Area, totalling 120 acres. Acquisition of this parcel would raise to 36 acres the amount of town owned land in this Area. After many years of negotiation with the owner, who recently died, the Estate of William A. Rowe has agreed to sell the land for $5,000.00, or about $500 per acre. Access to this parcel is by the same right of way off 40 Acres Drive that serves as access to Sears Woods. The Conservation Commission anticipates applying for 50% reimbursement from the Bureau of Outdoor Recreation. Funds for this purchase will be raised from borrowings authorized at the March 1973 Town Meeting.

The Finance Committee recommends approval of the article.

ARTICLE 6. - To see if the Town will authorize the Conservation Commission to acquire by purchase, eminent domain, gift, or otherwise, for conservation purposes including outdoor recreation the fee or any lesser interest in a vacant parcel of land with the trees thereon on Old Sudbury Road standing in the name of Rosemary Burbank containing 17 acres more or less shown on Plates No. 17, 18, 22 and 23 of the Town Atlas as well as on a plan on file with the Town Clerk entitled, "PLAN OF LAND IN WAYLAND, MASS. SHOWING LAND OWNED BY ROSEMARY BURBANK SEPTEMBER 30, 1974 SCALE: 1 IN. = 40 FT. WAYLAND ENGINEERING DEPARTMENT" and more fully described as follows:

Beginning at a bound at the intersection of the southerly property line of land now or formerly Stewart and the Westerly sideline of Old Sudbury Road; thence

S31-38-29E,	five hundred thirty one and 28/100 (531.28) feet, to a point one and 61/100 (1.61) feet, N 31-38-29 W from a concrete bound with a lead plug; thence
S80-45-43W,	fourteen hundred twenty four and 25/100 (1424.25) feet to a stone bound; thence
S80-45-43W,	one hundred fifteen and 70/100 (115.70) feet to an iron pipe; thence
N14-38-57W,	one hundred thirteen and 39/100 (113.39) feet to an iron pipe; thence
N24-50-43W,	one hundred thirty two and 36/100 (132.36) feet to an iron pipe; thence
N34-40-04W,	one hundred thirty two and 85/100 (132.85) feet to an iron pipe; thence
N41-07-13W,	one hundred fifty nine and 99/100 (159.99) feet to an iron pipe; thence
Easterly,	fifteen hundred thirty (1530) feet more or less along an old fence line to the concrete bound at the point of beginning.

together with any or all rights, title and interest of the owner or owners of the above-described premises in the streets and ways adjoining the same; to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from

available funds, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

This Article is also inserted in the Warrant by the Conservation Commission to see if the Town will acquire for conservation purposes a parcel of land containing approximately 17 acres lying between Old Sudbury Road and the Sudbury River. This is the most easterly of the group of five parcels (Morgan, Burke, Damon, Stewart and Burbank) which were included in the 1966 Conservation Master Plan as a contiguous block, and is the last of the group to be presented to the Town Meeting for acquisition. Most of the parcel is lowland, unsuitable for building but suitable for walking in most seasons. There is some high land along Old Sudbury Road and at the end of the parcel near the river. This parcel, along with the other four, were listed as "to be protected" in the 1966 Conservation Master Plan. However, the Conservation Commission has previously concluded that all five parcels merit outright acquisition because of their scenic, historic and conservation value. The price is still under negotiation at the time of this writing but the Conservation Commission expects to have an agreement on the price based on two separate appraisals to be presented to the Town at the time of the meeting. Funds for this purchase will be raised from borrowings authorized at the March 1973 Town Meeting. The Conservation Commission expects to apply for 50% reimbursement from the Bureau of Outdoor Recreation.

The Finance Committee recommends approval of the Article subject to a satisfactory agreement on the price.

ARTICLE 7. To see if the Town will amend its Zoning By-Laws in the following manner:

1. By inserting the following words into Section III after the phrase "6. Limited Commercial Districts":

"7. Planned Development Districts"

and

2. By adding thereto the following new Section IX B:

"PLANNED DEVELOPMENT DISTRICTS,"

a copy of which is on file with the Town Clerk and may be found in the rear of this Warrant.

RECOMMENDATION:

This and the following article have been inserted in the Warrant by the Planning Board to see if the Town will vote to maker certain technical changes in the Planned Development Zoning By-Law adopted under Article 27 of the Warrant for the Annual Town Meeting last spring. The Attorney General's office raised technical objections to the new By-Law following its adoption by the Town. The Town Counsel has advised the Planning Board that the Attorney General's office is probably in error in their technical objection and withholding of approval. He has advised the Planning Board to follow two courses of action to resolve the matter. The first is to bring suit before the Superior Court to reverse the position of the Attorney General's office. The second is to make the changes requested by the Attorney General's office, which are felt to be matters of form and not of substance, and those changes are set out in the revised form of the By-Law printed at the back of the Warrant.

Because of the changes in the wording of the By-Law it will be necessary, if the Court suit is unsuccessful and the Town must rely on the amended language of the By-Law, for the owners of Mainstone Farm to resubmit their proposal to the Town asking that their land be designated as a "planned development district" under the revised By-Law. This designation of the Mainstone land is the purpose of the following Article.

As required by law the Planning Board will hold a public hearing and report to the Town at the Town Meeting.

The Finance Committee recommends approval of the Article.

ARTICLE 8. - To see if the Town will vote to amend its Zoning By-Laws and Zoning Plan by changing from "Single Residence District" to "Planned Development District" the parcel of land more fully described as follows:

"Beginning at a point on the easterly side of Rice Road at the northwesterly corner of Lot 2A shown on Land Court Plan No. 16568B, and thence running by the easterly side line of Rice Road as laid out by Order of Layout of Rice Road dated February 17, 1964, recorded with Middlesex South District Deeds, Book 10503, Page 69, thence

North 12° 13'36" East, 240 feet, more or less, thence
Northeasterly on a curve to the right with a radius of 1979.55 feet a distance of 581.01 feet; thence
North 29° 02'36" East, 260 feet, more or less; thence
Northwesterly across Rice Road, 50 feet; thence
Westerly, Southwesterly, Northwesterly and Westerly again by the northerly line of a 50' Right of Way, about 1500 feet, thence running
Northeasterly and Northwesterly by land of Sudbury Valley Trustees, Inc., 760 feet, more or less, 1030 feet, more or less, and 370 feet, more or less to the most northerly corner of said land, conveyed to Sudbury Valley Trustees, Inc. by deed dated December 27, 1957, recorded with said Deeds, Book 9083, Page 324; thence turning and running
Northeasterly about 2550 feet to a point on the westerly side of Rice Road at the southerly end of the bound of Rice Road described as "N 44-41-06W six hundred fifty-four and 56/100 (654.56) feet" in said Order of Layout of Rice Road, and thence running by the westerly side line of Rice Road as so laid out, thence
Southerly on a curve to the right with a radius of 305.91 feet a distance of 387.99 feet, thence
South 27° 59'08" West, 400.71 feet, thence
Southwesterly on a curve to the left with a radius of 1046.21 feet a distance of 297.97 feet, thence
South 11° 40'02" West, 259.03 feet, thence
Southwesterly on a curve to the right with a radius of 631.23 feet a distance of 246.81 feet, thence
South 34° 04'10" West, 110.60 feet, thence

Southwesterly on a curve to the left with a radius of 930.43 feet a distance of 60 feet, more or less; thence turning and running

Northwesterly, 425 feet, North, 969.7 feet, West 270 feet, South, 450 feet, East, 120 feet, South, 395 feet, and Southeasterly, 362 feet, by land of Broomstones, Inc.; thence running

Southwesterly 170 feet, more or less, by land of Joseph Zaniboni et al., thence running

Northwesterly 70 feet, more or less, Southwesterly 110 feet, more or less, and Southeasterly 190 feet, more or less, by land of Daniel J. Foley et al. to Rice Road, thence continuing

Southeasterly across Rice Road, 50 feet; thence

North 28° 30'56" East by the easterly side line of Rice Road, 210 feet, more or less, thence

Northeasterly on a curve to the left with a radius of 1099.22 feet a distance of 60 feet; more or less; thence turning and running

Southeasterly by land of David H. Morse et al., Trustees, 139.28 feet, thence

Northeasterly by said land of Morse et al., 227.15 feet, thence

Northwesterly by said land of Morse et al., 137.44 feet; thence running again by the easterly side line of Rice Road,

Northeasterly on a curve to the right with a radius of 880.43 feet a distance of 40 feet, more or less, thence

North 34° 04'10" East, 110.60 feet; thence

Northeasterly on a curve to the left with a radius of 681.23 feet a distance of 95 feet, more or less; thence running

South 58° 41'35" East, 162.93 feet, South 61 10'5" East, 137.81 feet, North 4° 27'47" East, 17.55 feet, North 5° 58'52" East, 181.37 feet, North 6° 00'25" East, 115.00 feet, and North 76° 33'5" West, 232.67 feet, all by land of Henry B. W. Snelling et al. shown as lot 2D on Land Court Plan No. 16568E, thence running again by the easterly side line of Rice Road,

North 11° 40'02" East, 200 feet, more or less, thence

Northeasterly on a curve to the right with a radius of 996.21 feet a distance of 283.73 feet;

thence running
Southeasterly by land of Church of the Holy Spirit, Inc. on a curve to the left with a radius of 40.00 feet a distance of 54.94 feet, thence
South 60° 33'09" East, 114.94 feet, Southeasterly on a curve to the left with a radius of 275.00 feet a distance of 44.80 feet, South 69° 53'09" East, 74.80 feet, North 73 48'32" East, 275.00 feet, North 35° 48'33" East, 133.53 feet, North 8°33'31" West, 412.12 feet, South 85°16'37" West, 50.00 feet, and North 46°12'03" West, 173.41 feet, all by land of said Church shown as lot 1 on Land Court Plan No. 6779B and lot 2 on Land Court Plan No. 6779C; thence running again by the easterly side line of Rice Road,
North 45°37'45" West, 211.98 feet; thence running
North 31°24'52" East by land of Devens Hamlen et al. 455.87 feet as shown on Land Court Plan No. 16568A,
North 83°45'25" East, 47.66 feet, North 45°31'35" East, 470.46 feet, North 3°13'39"
West, 318.66 feet, South 82°39'13" East, 159.28 feet,
North 87°38'17" East, 38.58 feet and North 70°22'57" East, 58.14 feet, all by land now or formerly of Weston Estates Corp.; thence running
South about 3°East by the Wayland-Weston town line, as shown on Land Court Plan No. 16568A and Land Court Plan No. 6779A, about 6700 feet in all; thence running
Northwesterly by the Wayland-Natick town line and by land now or formerly of Einar P. Robsham et al., about 2970 feet; thence running
North 11°47'20" East by Lots 2A, 2B and 2C, and land now or formerly of Davlin, as shown on Land Court Plans No. 16568B and 16568D, 874.98 feet; thence running
North 79°18'40" West, 57.00 feet, North 76°3'5" West, 118.97 feet, and North 73°55'25" West, 219.54 feet, by said Lot 2A to the point of beginning;

Subject to the effect of said Order of Layout of Rice Road; Containing about 362 acres of land."

Or take any action relative thereto.

RECOMMENDATION:

For the story on this article, see the preceding article.

ARTICLE 9. - To see if the Town will accept the sum of $100.00 and a small building known as the Williams Coal Office (formerly the Robinson Jones Coal Office) tendered to it as a gift by Mrs. Kenneth Crosby;

to determine which of the following methods of use or disposition shall be employed with respect to said properties:

A. The building shall remain where a majority of the Selectmen have allowed it to be placed provisionally, north of the Hannah Williams Playground and across from the Methodist Church on Main Street in Cochituate Center;

1. Off-street parking shall be provided near it, shrubbery shall be planted around it, and it shall be prepared for use as an information center for the commemoration of the Bicentennial Anniversary of the founding of the United States of America;

2. It shall be utilized in connection with recreational and maintenance activities associated with the Playground and possible expansion of the Playground over adjacent Town-owned land;

B. The building shall be moved, at a cost not to exceed $2,000.00, to another site within the Town, where a Town authority, board, commission, or committee shall have expressed an interest in utilizing the structure for a purpose within the purview of such authority, board, commission, or committee and related to the new location;

C. The Selectmen shall arrange to have the building auctioned off to the highest bidder who will remove it from its present location at no cost to the Town;

D. The building shall be destroyed and the premises restored to their prior state;

to determine whether the Town will appropriate a sum or sums of money for such purposes; to determine whether such appropriation shall be provided by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the provisions of chapter 44 of the General Laws

or otherwise; and to determine what town officer, board or committee or combination of them shall have the care and custody of said property and be authorized to expend the money or moneys appropriated therefor; or take any action relative thereto.

RECOMMENDATION:

This Article has to do with the so called Williams Coal Office, which was the subject of Article 50 at the Annual Town Meeting last spring. At that time the Petitioners asked the Town to accept a gift of the Coal Office plus $100.00 from Mrs. Kenneth Crosby. The building had previously been moved at the direction of the Selectmen to town land near the Hannah Williams Playground. The motion to accept the gift and to appropriate some money to fix up the building for use by the Bicentennial Commission was, however, defeated at the Spring Town Meeting. Because Mrs. Crosby does not wish the building returned it is considered to be abandoned on Town property and the Selectmen have included the foregoing Article to see if the Town would like to reconsider the proposition and authorize the expenditure of approximately $300.00 to refurbish the building for use as an Information Center and possible use as a Park and Recreation Commission facility for summer programs.

The Finance Committee recommends approval of the article.

ARTICLE 10. - To see if the Town will vote to appropriate a sum of money for planning, constructing, originally equipping and furnishing an addition to the main library building and for remodeling space within the existing building to provide additional space and facilities to meet the expanding library needs of the Town; to determine whether such an appropriation shall be provided by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; and to determine what Town officer, board or committee or combination of them shall be authorized to expend the money appropriated therefor; or take any action relative thereto.

RECOMMENDATION:

This article was inserted in the Warrant at the request of the Library Building Planning Committee and would authorize the expenditure of $550,000.00 for the planning, construction, originally equipping and furnishing of an addition of about 6,000 square feet in size to the main Library. This project was presented to the Town at the Annual Town Meeting last spring under Article 31 where it did not receive the necessary two-thirds vote. The Library Building Planning Committee has conducted a complete restudy of the library needs and has prepared a revised plan for consideration by the voters. The Library Building Planning Committee proposes to move for the appropriation of the full amount required to insure that if the Town wishes to go ahead with the project the funds to carry it out will be authorized along with the necessary planning money. The cost of the project will be raised by borrowing.

The Finance Committee recommends approval of the Article.

ARTICLE 11. - To see if the Town will vote, pursuant to the provisions of Chapter 40, Section 4A, of the General Laws, to enter into an agreement with the Town of Sudbury, Massachusetts

providing for certain joint or cooperative activities with respect to siting, designing, constructing, originally equipping, operating, and providing access to a septic-tank pumpings disposal facility on land owned by the Towns of Sudbury and Wayland, north of the Boston Post Road and west of the Sudbury River; to determine what Town officer, board, commission, committee, or combination of them shall be authorized to execute such agreement; or to take any action relative thereto.

RECOMMENDATION:

This and the following article were both inserted in the Warrant by the Wayland Regional Refuse Disposal Planning Committee to see if the Town will vote to plan, construct and operate, on a joint basis with the Town of Sudbury, a facility for the disposal of septage tank pumping (septage). This article seeks authorization for the appropriate board in Wayland to enter into a contract with its counterpart in the Town of Sudbury for the construction and operation of such a facility. The following article asks for authorization to raise the necessary funds by borrowing.

The Wayland Regional Refuse Disposal Planning Committee was created by vote of the 1967 Annual Town Meeting and has been working since that time with a similar committee created in Sudbury. The two groups acting together (the"Joint Committee") has conducted surveys of the citizens in both towns concerning the need for such a facility, obtained professional engineering advice, and prepared proposals, estimates of cost, and a proposed contract between the two towns and other related materials which will be presented in detail at the time of the Town Meeting.

The proposed plan calls for the construction of a facility on Sand Hill, mostly on Wayland Town land, but partly on Sudbury land, which would consist of a building and a variety of mechanical equipment which would process the septage to the point where the liquid effluent could be safely returned to the ground without harm to the local environment. The treatment plant would have a capacity designed to handle the needs of the two towns for at least twenty years, based on present population projections.

The project has an estimated capital cost of approximately $700,000.00. The annual cost of amortization and interest on the debt of $71,500.00. would be borne equally by the two towns. The estimated total annual operating cost of $46,000.00 would be allocated to the two towns on the basis of the amount of septage received from each. The average cost per household will be approximately $17.00 per year, before taking into account any revenue that might be received. It is planned to have a control fee of $5.00 per 1,000 gallons of septage. (The average household has a standard 1,000 gallon septic tank which optimally should be pumped once every two years; businesses should be pumped annually.) The pumping firm's fee would be in addition to the $5.00 fee. It is tentatively planned to receive septage from users requiring pumping more often than once per year at a fee based on actual operational costs, which are estimated to be roughly $30.00 per 1,000 gallons. While the Joint Committee has no firm estimate of the amount of this sort of revenue, the

Committee thinks it would not be insubstantial. The Joint Committee anticipates that septage pumping firms would come to this facility from adjacent towns as well, and their pumpings would be received as long as our facility was deemed adequate to handle the additional material.

The Joint Committee feels there are only two real alternatives to the proposed plan. The first would be to join the Metropolitan District Commission which would then permit the town to legally dispose of septage pumpings in the MDC system. The anticipated cost of this membership for operating costs would be over $100,000.00 per year for Wayland alone, or about twice as expensive as the proposed plan. In addition the MDC might require some capital construction expense. The MDC requires that we pay the full cost of joining the system, even though we do not wish to incur the expense of putting sewers throughout the Town and merely wish to have the privilege of disposing of septage.

The second alternative is to do nothing at this time.

The possibility of disposing of septage with other towns that have some sort of facility or existing sewer system has been explored and no such arrangement is available.

The proposal under this and the following articles are supported by the Board of Selectmen (subject to two conditions having to do with the use of land on Sand Hill and access to our future dump site there), by the Board of Health, the Conservation Commission, and the Board of Road Commissioners (subject to further review of the selected site.)

The major arguments for the plan are:

1. Something must be done about the problem. There is no legal disposal site in or out of Town at the present time.

2. The proposed plan is half as expensive as joining the MDC. Even if additional expense is required in the near future to correct possible design deficiencies, the cost will still be less than joining the MDC.

3. By solving the problem ourselves, we avoid joining the MDC. Even some of those not favoring the plan feel that it would be unwise to join the MDC, because by doing so we lose control of the cost. If joining the MDC is anything like joining the MBTA, the financial risks are substantial.

4. Building this facility is the best way to postpone the inevitable pressure that will be brought by the State to join the MDC or some other similar authority which will entail building sewers in Town. Long range plans presently being discussed at the Department of Public Works call for sewers and sewage treatment plants at some point in the future. It seems clear

that the national and state drive for improvement of water quality will inevitably bring pressure for sewers unless we can demonstrate that our septic systems are working correctly and our septage disposed of properly.

5. The State Department of Public Health has approved the proposal and expressed confidence that it will work.

6. If we do nothing now and Sudbury goes ahead on its own there is no promise that we could join them in the future and then any septage treatment plant that we decide to build will in all probability cost the Town much more since we will lose the benefit of the sharing of capital and current costs.

7. To wait for the possibility of state or federal subsidy is illusory since none is presently in sight.

8. The approval of this project will mean that the Town has met the problem head on and taken affirmative action to eliminate an unconscionable situation.

9. While the costs of disposing of septage will be higher than under the present system, this higher cost is really the cost of doing things right and meeting our obligations.

The major arguments against the plan are:

1. The problem is not really upon us. No one is forcing us to take action at this time.

2. The need is not clear. The septage pumpers are not asking for this project. The citizens do not feel the impact of the problem since the pumpers do not complain.

3. No facility just like the one proposed is presently in operation and there is fear that the plan will not perform according to the specifications which would be required of it by the State, but which the engineers have said are attainable. Thus, additional expense may be required in the future to bring the project up to standard.

4. We should try to make a deal with the MDC for a short-term solution, such as a per-load charge for dumping into the the MDC's system. This would permit us to wait for improvement in the "state of the art" and also possible subsidy from state or Federal sources.

The Finance Committee recommends approval of this Article and the following Article.

ARTICLE 12. - To see if the Town will vote to appropriate a sum of money for planning siting, designing, constructing, originally equipping, furnishing and operating a facility for the treatment and disposal of sewage, including the disposal of septic-tank pumpings, to be constructed and operated on land owned by the Towns of Sudbury and Wayland, Massachusetts, north of the Boston Post Road and west of the Sudbury River and more particularly shown in a report entitled, "Preliminary Engineers Report - Septage Disposal Facility - Towns of Sudbury and Wayland, Massachusetts", by Roy F. Weston, Inc., Consulting Engineers, December 1973 pursuant to an agreement which shall have been executed and funded by the Towns of Sudbury and Wayland pursuant to the provisions of G. L. Chapter 40, Section 4A on or before November 1, 1976;

to determine whether such appropriation shall be provided by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; and to determine what town officer, board or committee or combination of them shall be authorized to expend the money appropriated therefor; or take any action relative thereto.

RECOMMENDATION:

For the story on this article, see the preceding article.

ARTICLE 13. - To see if the Town will vote to appropriate a sum of money to be expended pursuant to the authority of the Road Commissioners to hire an outside consulting firm to draw up preliminary plans for a reconstruction of the Five Path intersection; to determine whether such money shall be provided by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

This Article was inserted in the Warrant by the Board of Road Commissioners to see if the Town will vote to appropriate the sum of $5,000.00 to retain a consultant to prepare a new plan for improving traffic flow and safety at the Five Paths intersection. The consultant will be an independent firm not under the jurisdiction of the Department of Public Works. If the Town approves the plan and

it is subsequently approved by the Department of Public Works then the detailed engineering and the actual construction will be done entirely at state expense. This reflects major changes in D. P. W. policy and the law to permit local control and planning of Chapter 90 projects and full state funding where, as it's apparently the case here, the D. P. W. feels the project has important traffic safety considerations.

The Finance Committee recommends approval of the Article.

ARTICLE 14. - To see if the Town will vote to appropriate a sum of money to be expended pursuant to the authority of the Road Commissioners to resurface a portion of Stonebridge Road, from the intersection of Old Sudbury Road to Anthony Road (approximately 1700 feet); a portion of Draper Road, from Gammons Way to the corner of Highland Circle (approximately 1700 feet), and a portion of Old Connecticut Path, from Hawthorne Road to a point approximately 100 feet from Pine Ridge Road (approximately 1600 feet) ; to determine whether such money shall be provided for by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

This Article was inserted in the Warrant by the Road Commissioners to see if the Town will vote to appropriate approximately $26,000.00 from funds already on hand (which were received from the MBTA as reimbursement under Chapter 1140) to resurface approximately 1700 feet of Stonebridge Road running from Old Connecticut Path to Anthony Road; approximately 1700 feet of Draper Road from Gammons Way to the corner of Highland Circle; and approximately 1600 feet of Old Connecticut Path running from Hawthorne Road to a point about 100 feet from Pine Ridge Road.

The Road Commissioners have conducted a study of the priorities for road maintenance and construction in Town and these three projects have a high priority on their list at this time. The work will be done this fall (if the weather permits) by an independent contractor. The cost of the work will probably be less if done this fall because the Town has a fixed price contract for asphalt which will expire at the end of the year and next year's prices are expected to be higher.

The Finance Committee recommends approval of the Article.

ARTICLE 15. - To see if the Town will authorize the Road Commissioners to acquire by purchase, eminent domain, gift, or otherwise, for highway purposes a drainage easement in a vacant parcel of land with the trees thereon on Boston Post Road standing

in the name of Newton Young Men's Christian Association, Inc. shown on plate #29 of the Town Atlas as well as on a plan on file with the Town Clerk entitled "PLAN OF LAND IN WAYLAND, MASS. SHOWING TOWN OF WAYLAND DRAIN EASEMENT OFF OLD CONNECTICUT PATH SCALE: 1 IN. =50 FT. MARCH 22, 1974 EVERETT M. BROOKS CO. CIVIL ENG'RS NEWTONVILLE & WAYLAND MASS." recorded with Middlesex South District, Registry of Deeds in Book 12662 at Page end, and more fully described as follows:

Beginning at a point on the property line between the Newton Young Men's Christian Association and the Commonwealth of Massachusetts 41.00 feet at S60-38-12 W from a stone bound; thence

S60-38-12W,	twenty and 00/100 (20.00) feet by land of the Commonwealth of Massachusetts; thence
N28-11-54W,	two hundred twenty two (222) feet more or less; thence
Northerly,	ninety two (92) feet more or less; thence
Northerly,	eighty two and 1/2 (82 1/2) feet, more or less, thence
Northwesterly,	one hundred sixty one and 51/100 (161.51) feet; thence
Northeasterly,	twenty and 00/100 (20.00) feet; thence
Southeasterly,	one hundred seventy five and 00/100 (175.00) feet to land of Mary Frances White; thence
Southerly,	ninety five and 00/100 (95.00) feet by land of said White; thence
Southerly,	eighty four and 98/100 (84.98) feet, to an iron pipe; thence
S28-11-54E	two hundred fifteen and 92/100 (215.92) feet to the point of beginning.

together with any or all rights, title and interest of the owner or owners of the above described premises in the streets and ways adjoining the same; to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

This and the following Article were inserted in the Warrant by the Board of Road Commissioners to see if the Town would vote to change slightly the path of an easement for drainage running from Old Connecticut Path to Pine Brook. The owners have agreed to the change of the path in the easement and in fact the work has been done under a license from the owners and is now complete. The following Article would authorize the Selectmen to abandon the portion of the easement not needed because of the relocation under this Article.

The Finance Committee recommends approval of the Article.

ARTICLE 16. - To see if the Town will authorize the Selectmen, with the approval of the Town Counsel as to form, to sell, convey, abandon or otherwise dispose of to Newton Young Men's Christian Association, Inc. an easement in a parcel of land taken for drainage purposes under Article 12 of December 1963 Special Town Meeting and recorded in the Middlesex Registry of Deeds, South District in Book 10040 at Page 107, and shown as Town of Wayland Drain Easement on Plate 29 of the Town Atlas as well as on a Plan entitled, "PLAN OF LAND IN WAYLAND, MASS. SHOWING TOWN OF WAYLAND DRAIN EASEMENT OFF OLD CONNECTICUT PATH SCALE: 1 IN. = 50 FT. MARCH 22, 1974 EVERETT M. BROOKS CO. CIVIL ENGR'S NEWTONVILLE & WAYLAND MASS" recorded in the Middlesex Registry of Deeds South District in Book 12662, Page END, and more fully described as follows:

Beginning at a point 179.98 feet Northerly of an iron pipe which is 109.54 feet at S75-49-00 W of a stone bound; thence

Northwesterly, twenty-one and 57/100 (21.57) feet; thence

Northerly, ninety-nine (99) feet more or less; thence

Northwesterly, at an angle of 126^{o} to the preceding line one hundred twenty-four and 81/100 (124.81) feet; thence

Northeasterly, twenty and 00/100 (20.00) feet; thence

Southeasterly, one hundred thirty-five and 00/100 (135.00) feet; thence

Southerly, one hundred eighteen and 00/100 (118.00) feet to the point of beginning.

or take any action relative thereto.

RECOMMENDATION:

For the story on this Article see the comments and recommendation under the preceding article.

The Finance Committee recommends approval of the Article.

ARTICLE 17. - To see if the Town will vote to accept any or all of the property which has been tendered to it as a gift, bequest, devise or otherwise; or take any action relative thereto.

RECOMMENDATION:

This is the regular Article by which the Town accepts gifts or conveyances. The Town Counsel will make a report and recommendations at the time of the Town Meeting.

The Finance Committee recommends approval of the Article in accordance with the recommendations of Town Counsel.

The following article, submitted by the Planning Board, is a proposed addition to the Zoning By-Laws to allow for multi-residence dwellings in Planned Development Districts in Wayland.

PLANNED DEVELOPMENT DISTRICTS

Section IX B.

A. OBJECTIVE

In accord with the provisions of G.L. Chapter 40 A, Chapter 41, Section 81 I, the Home Rule Amendment (Article 89) to the Constitution of the Commonwealth of Massachusetts, and every other power that the Town of Wayland may exercise, the Board of Zoning Appeals may grant special permits exempting planned developments which satisfy the terms and conditions which may properly be imposed pursuant to this Section IX B from certain regulations and restrictions contained in these Zoning By-Laws for the purposes set forth in G.L. Chapter 40 A, Sections 2 and 3 and to achieve the following objectives:

1. Development that conserves environmental features, woodlands, wetlands, productive farms and areas of scenic beauty, and preserves sites and structures of historical importance.

2. Development that encourages the construction and location of multi-residence dwellings in certain sites in order to preserve open space in Wayland for all its inhabitants.

3. Development that provides for a variety of housing in Wayland.

4. Development that will permit the Town to continue to provide the same quality of municipal services without imposing an increased financial burden on its citizens.

B. DEFINITIONS

1. Applicant
The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit hereunder. The applicant must own, or be the beneficial owner of, all the land included in the planned development site proposed, or have authority from the owner (s) to act for him or hold an option or contract duly executed by the owner (s) and the applicant giving the latter the right to acquire the land to be included in the site within a period of sixty days from the time that the applicant shall notify the owner (s).

2. Bedroom
A separate room intended for, or which customarily could be used for sleeping.

3. Buffer
An area within a planned development site adjacent to its boundaries, roads, streams and ponds which may not be developed except as provided herein.

4. Development Schedule
A program showing the order of construction and the sequence of improvements to be built or furnished in the planned development site defined by stages where applicable.

5. Dwelling Unit
A residence. Each residence shall contain at least a kitchen-living area, a bathroom and one or more bedrooms.

6. Land
Land, including areas covered by water.

7. Multi-residence Dwelling or Building
A building containing more than one dwelling unit.

8. Public Land
Land included in the planned development site which is donated in fee, except for such encumbrances as may be permitted by the Board of Zoning Appeals, and accepted by the Town in connection with the planned development.

9. Private Open Space
Land included in the planned development site which is neither public land nor residential land.

10. Residential Land
Land included in the planned development site which shall be submitted by the applicant to the provisions of G.L. Chapter 183 A.

11. Stage of Development
The work to be done and the number of structures to be built within any of the time limits defined by the development schedule.

12. Wet Areas
Wet areas include water areas and other land in any of the following categories:

(a) Land having an elevation of less than 124 feet above mean sea level.

(b) All lands within the Watershed Protection District originally established by vote of the Town under Article 17 of the 1967 Annual Town Meeting as the same may be amended from time to time.

(c) Land which is ordinarily submerged during any portion of the year.

C. PERMITTED USES

1. In a planned development district no building or premises shall be used nor shall any building or structure be constructed, reconstructed, repaired or used, except as follows:

(a) Any use permitted as of right by Section V of these By-Laws shall be permitted therein as of right. Prior to the issuance of a special permit by the Board of Zoning Appeals under this Section IX B, a parcel of land included within a Planned Development District shall retain the residential zoning classification listed under Section IX (e) applicable to it prior to such designation by Town Meeting as a Planned Development District.

(b) Any use permitted if a special permit is obtained from the Board of Zoning Appeals in accordance with the provisions

of Section V (r) shall be permitted therein subject to the same proviso.

(c) Multi-residence condominium dwellings shall be permitted therein, provided that a special permit is obtained from the Board of Zoning Appeals in accordance with the provisions of this Section IX B.

2. No multi-residence condominium dwelling shall be permitted in a planned development site in the event that the applicant shall have constructed or reconstructed any building or structure on residential land for any use permitted under paragraphs C 1 (a) and (b) above after a special permit shall have been granted to the applicant pursuant to paragraph E 3 (f) below.

3. For the convenience of a multi-residence condominium development of which it will be a part, retail sales and service establishments, including, without limitation, neighborhood variety food stores and drug stores, but excluding gasoline service stations or fast food stores, provided that:

(a) No more than one such establishment shall be permitted for each one hundred dwelling units constructed.

(b) No such establishment shall occupy more than 2,000 square feet of space.

(c) The Board of Zoning Appeals shall have endorsed its approval on a site plan of the establishment proposed pursuant to the provisions of Section X A of these Zoning By-Laws.

(d) The Board of Zoning Appeals shall find that such an establishment meets the standards set forth in paragraph D below and the objectives set forth in paragraph A above.

D. STANDARDS

1. Qualifying Area
In order to qualify as a planned development site, an area of land in a planned development district shall contain at least 125 contiguous acres not divided by an existing street or aqueduct. Additional areas may be permitted in a planned development site, although such areas are divided

from the qualifying area by a street or aqueduct. If additional areas are so included, then the qualifying area, together with such additional areas, shall thereafter, be treated as one indivisible planned development site.

2. Principals
No application for a special permit shall be approved unless the Board of Zoning Appeals shall find:

(a) That the development plan proposed is financially sound.

(b) That the applicant's associates, professional advisers and contractors are qualified by training and/or experience to develop real estate and to construct multi-residence dwellings comparable to those proposed in accord with the development schedule set forth in his application.

3. Development Schedule
A development schedule shall be required that considers the capacity of the applicant to develop as well as the ability of the Town to provide public services in accord with the provisions of paragraph A 4 above.

4. Open Space Coverage
At least 70% of the area of a planned development site shall consist of public land and private open space; and at least 35% of the area of a planned development site shall be public land.

5. Preservation of Natural and Historical Features
Natural and historical features of special interest, including hill tops, cliffs and bluffs, ravines, attractive groves of trees, biological habitats of special interest, and views of unusual charm shall be preserved.

6. Ground Coverage Limitations
No more than 15% of the total area of a planned development site shall be occupied by structures, parking areas, roadways and driveways, patios, storage spaces or enclosed areas; provided, however, that buildings and structures erected on public land shall not be included in this calculation.

7. Density of Dwelling Units

(a) The maximum number of dwelling units that may be allowed in a planned development site shall be determined by the Board of Zoning Appeals in accord with the following formula:

D = K (A – W)
D = the maximum number of dwelling units,
K = the density factor,
A = total number of acres in a planned development site, and
W = number of acres of wet areas.

(b) The density factor (K) shall be a value recommended by the Planning Board within the following ranges:

(1) 1.10 to 1.4, inclusive, in a 60,000 square foot residence zone;

(2) 1.25 to 1.75, inclusive, in a 40,000 square foot residence zone; based on the following criteria:

(i) The nature, size and distribution of the wet areas in the site as well as the soil drainage conditions there;

(ii) The topography;

(iii) The amount and location of land available for parking, access and unobstructed areas between nearby buildings;

(iv) The extent to which the plan provides access to county or state highways or other modes of transportation; and

(v) The acreage donated to the Town for public land in excess of the minimum amount set forth in paragraph D 4 above.

(c) In the event that it is proposed to develop a planned development site in stages or over a period of years, the Planning Board may recommend that the development plan provide for greater concentration of density or intensity of land use within some section or sections of the site than in other sections, provided, however, that approval of such greater concentration shall be offset by a smaller concentration in a section that shall have been completed prior thereto and provided further that the total number of dwelling units in the planned development site shall not exceed the maximum determined in accord with the aforesaid formula.

8. Number of Bedrooms
The number of bedrooms in any planned development shall not exceed twice the number of dwelling units permitted by the special permit.

9. Distribution of Bedrooms Among Dwelling Units
No more than 70% of the dwelling units in any planned development site, or at the completion of any stage of construction permitted in the development schedule, shall contain the same number of bedrooms.

10. Maximum Number of Dwelling Units Per Building
No multi-residence dwelling in a planned development site shall contain more than 10 dwelling units.

11. Buffers
No structure may be erected nor may any land be paved within one hundred (100) feet of the perimeter of the planned development site nor from any pond, stream or way unless such construction shall have been recommended by the Planning Board acting in accord with the standards set forth in its Regulations. The Board of Zoning Appeals may, nevertheless, approve the construction in any such buffer of such structures, ways, foot and bicycle paths, fences and other landscape constructions, as well as bridges and recreational facilities recommended by the Planning Board if it shall determine that such construction and use may be in harmony with the general purpose and intent of Wayland's Zoning By-Laws.

12. Separation of Buildings
The developer shall separate neighboring buildings to prevent overmassing and to assure privacy and a view to outlying open areas. Without limiting the generality of the foregoing, the distance between buildings shall be no less than seventy-five feet and every effort shall be made to design and locate buildings to retain and reflect the character of the community in which they are located.

13. Height
No building or structure shall be more than three stories in height nor exceed thirty-five feet in height from finished grade at any point.

14. Parking
A minimum of 2 parking spaces shall be provided for each dwelling unit. No lot providing for residential parking shall contain more than 25 parking spaces. Each parking lot shall be screened from ways by a landscaped border which shall be at least twenty-five feet wide.

15. Utilities
All electric, gas, telephone and water distribution lines shall be placed underground in accord with the Regulations of the Planning Board unless the Board of Zoning Appeals shall grant an exception to this requirement.

16. Access to Public Land
The applicant shall construct paths and trails leading to public lands and grant easements to the Town in and over such trails and paths.

17. Roads
All roads shall be designed, located and constructed in accord with the subdivision regulations promulgated by the Planning Board as the same may be, from time to time amended.

18. Paths
Paths for the use of residents shall be attractively designed with proper regard to convenience, separation of vehicular, bicycle and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the site.

19. Surface Drainage
The surface drainage system shall be designed in accord with the Regulations of the Planning Board.

20. Septic Disposal
All waste water treatment and or sewerage disposal facilities shall be designed and constructed in accord with the provisions of Article XI of the Sanitary Code promulgated by the Massachusetts Department of Public Health, the Regulations of the Board of Health and all other laws pertaining thereto.

E. ADMINISTRATION

1. Application for a Special Permit
An application for a special permit to develop a planned development site shall be submitted on forms furnished by

the Planning Board to the Zoning Board of Appeals. Written notice containing a copy of said plan, shall be given by the applicant to the Town Clerk, the Conservation Commission, the the Finance Committee, the Fire Chief, the Board of Health, the Inspector of Buildings, the Park and Recreation Commissioners, the Police Chief, the Road Commissioners, the School Committee, the School Building Planning Committee, the Selectmen, the Commissioners of the Water Department and the Planning Board. Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of G.L. Chapter 41, Sections 81 0 and 81 T as the same may be from time to time amended, a filing fee determined in accord with paragraph 1 below, and a development plan containing the following information and data:

(a) The name(s) and address (es) of the applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the planned development site together with the opinion of an attorney concerning the state of of the title; and an instrument executed by all persons owning property within the site agreeing that the development is desired.

(b) A plan suitable for recording of the planned development site showing all structures and improvements on the site, all ways and utilities serving the same, all lot lines, easements and rights of way of record.

(c) All information required by the Planning Board regarding the training and experience of the applicant, his associates, professional advisers and contractors in the development and management of real estate, the construction of multi-residence dwellings as well as their respective financial positions. Such information may include a list of all persons and organizations with which he has been associated in the development or real estate during the past 10 years, including their addresses and the names of their principal officers, as well as all sources of credit upon which he relies to acquire, develop and manage the planned development site. The applicant shall furnish copies of such transcripts, records, letters of intent, contracts as well as all other documentation that the Planning Board may require to determine whether the applicant is qualified

to undertake and complete the planned development proposed and whether his plan for financing the same is sound.

(d) A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.

(e) Information showing the effect, from time to time, of the development on the Town's capacity to furnish services including, but not limited to, schooling, roads, water and sanitation.

(f) A map, to the scale required by the Planning Board, of the planned development site and the community surrounding the same to a distance of one half mile and showing all proposed points of interconnection including roads, open space, utilities and schools.

(g) A plan or plans to the scale required by the Planning Board, the topography of the site at a minimum of two foot intervals, as well as vegetation and special features, including all woodlands, wetlands, groups of trees or individual trees worthy of preservation, rock outcroppings, significant slopes, trails and paths, flowing streams and drainage ways, and ponds, productive agricultural lands, open vistas; structures of historical importance and biological or wildlife habitats.

(h) Plans for the preservation of the vegetation and special features shown on said plan.

(i) All information that the Planning Board may require to determine limitations on private open space, ground coverage and density.

(j) Information regarding the number and kind of dwelling units proposed, including their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.

(k) A plan or plans, to the scale required by the Planning Board, showing existing and proposed contours, roads, lighting, utility and sewerage systems; the areas to be set aside for public land, for private open space, for

municipal facilities, buffers, for building structures and parking areas.

(l) A model or models illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, typical elevations, as well as the general height, bulk and appearance of structures. Perspective drawings may be required.

(m) A report showing the manner of construction of structures describing structural and paving materials, all in accord with the minimum standards prescribed in the most recent edition of the Regulations of the Building Officials and Code Administrators International, Inc.

(n) Information showing the street name and numbering system proposed and any supplementary methods proposed for identifying places and residences in the site.

(o) The organization which the applicant proposes to form, to own and maintain the residential land, including forms and plans to be used to organize and manage the same.

(p) Copies of all proposed convenants, easements, and other restrictions which the applicant proposes to grant to the Town, utility companies, the condominium and the owners thereof, including plans of land to which they are intended to apply.

(q) Proposals for the disposition of sanitary waste and storm water.

(r) Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist it in advising the Board of Zoning Appeals as to whether the applicant's development plan proposed meets the objectives of paragraph A and satisfies the standards of paragraph D above.

2. Review and Action by the Planning Board
Before submitting its recommendations to the Board of Zoning Appeals regarding a development plan, as the same may have been modified from time to time since it was first submitted, the Planning Board shall request a report from the Board of Health pursuant to G.L. Chapter 41 Section 81 U

and hold a public hearing on such plan, giving notice of the time and place thereof and of the subject matter in accord with the provisions of G.L. Chapter 41, Section 81 T, as the same may be, from time to time, amended. Within 90 days after submission of such development plan, the Planning Board shall file a written report to the Board of Zoning Appeals recommending approval or disapproval of said plan. In the event that it shall recommend disapproval of such plan, the Planning Board shall make specific findings and set forth the reason or reasons therefor in such report and, where possible, shall advise the Board of Zoning Appeals of how the plan may be adjusted to comply with the Zoning By-Laws.

3. Review and Action by the Board of Zoning Appeals

(a) Within thirty days after it receives the report of the Planning Board upon such development plan as well as notice that the Planning Board has approved applicant's definitive plan of land pursuant to the provisions of G.L. Chapter 41, Section 81 U and V, if required, the Board of Zoning Appeals shall fix a reasonable time for the hearing of said application for a special permit, giving notice thereof in accord with the provisions of G.L. Chapter 40 A, Section 17, as the same may be, from time to time, amended.

(b) In the event that the Board shall decide, after the conclusion of such hearing, not to grant such a special permit, it shall notify all parties in interest of its decision as provided in G.L. Chapter 40 A, Section 18, as the same may be, from time to time, amended.

(c) If, on the other hand, the Board shall be inclined to grant such a special permit, it shall, within thirty days after the date of the conclusion of the public hearing, send to the applicant a proposed special permit containing the development plan approved, as well as such conditions and safeguards it deems appropriate to assure that the site approved shall be developed in complete harmony with the general purpose and intent of G.L. Chapter 40 A, Section 4 and the Zoning By-Laws of the Town of Wayland. Without limiting this general purpose and intent, such conditions and safeguards shall include:

(1) A requirement that the applicant shall submit the following to the Board of Zoning Appeals:

(i) A plan suitable for recording showing all the public land, the private open space and the residential land in the planned development site;

(ii) A deed conveying to the Town a good and clear record and marketable title free of all encumbrances (except for such encumbrances as may be permitted by said Board) to all land designated as "public land" on the approved development plan;

(iii) An instrument, suitable for recording pursuant to the provisions of G.L. Chapter 184, Sections 26 through 33, imposing a conservation restriction for the benefit of said public land upon all land designated "private open space" on the approved development plan, but reserving to the grantor the right to use and develop the same in accord with the provisions of paragraph F below. The said restriction shall be enforceable by the Town of Wayland pursuant to the provisions of G.L. Chapter 184, Section 30; and

(iv) A master deed duly executed and recorded by the applicant submitting all residential land to the provisions of G.L. Chapter 183 A, as well as a copy of the By-Laws duly adopted by the organization of unit owners.

(2) A development schedule bearing the signature of the applicant showing dates for:

(i) Commencement of development within one year after recording of the Special Permit applied for;

(ii) Completion of each stage of the development proposed, if applicable;

(iii) The recording of covenants, restrictions and/or easements in private open space; and

(iv) Completion of the planned development.

(3) Negotiable instruments, deposits of money and/or a performance bond of a surety company qualified to do business in the Commonwealth of Massachusetts and satisfactory to the Board of Zoning Appeals shall be furnished and maintained by the applicant and a covenant shall be executed and recorded by the applicant, running with the land, which shall be sufficient, in the opinion of the Board of Zoning Appeals to secure adherence by the applicant to the development plan approved and performance of such plan in accord with the development schedule set forth therein. All such covenants shall provide the applicant shall pay fifty ($50) dollars to the Town, as liquidated damages, for each day that shall pass after the expiration of 90 days from the time that any work shall not have been completed as required by the development schedule, unless said work shall have stopped for a period of thirty days under a court order or if it shall be stopped or delayed through no act or fault of the applicant or of any the contractors that he has engaged to develop the site.

(4) A requirement that the professionals and principals named in the development plan shall continue to participate in the development in the capacities specified in the plan approved, unless the Board of Appeals shall have modified the permit as hereinafter provided.

(5) Regulations to minimize inconveniences to residents in the general area, whether of noise, vibration, dust, blocking of Town roads, or otherwise.

(6) A requirement that as built drawings shall be filed with the Inspector of Buildings upon completion of each stage of the development.

(d) The applicant shall, within sixty days after he receives a copy of the proposed special permit from the Board of Zoning Appeals notify said Board of his acceptance of or his refusal to accept all the conditions and safeguards set forth therein. In the event that the applicant shall notify said Board that he accepts all such conditions, he shall file with his notice copies of the plan and the instruments that he proposes to submit pursuant to paragraph 3 (e) below to satisfy the requirements of paragraph 3 (c) (1) through (3) above.

In the event that the applicant shall not within said period notify the Board of Zoning Appeals that he accepts all said conditions and safeguards, or if he shall fail to submit copies of the aforesaid plan and instruments, the Board of Zoning Appeals shall be deemed to have denied approval of the development plan and his application for a special permit. The Board of Zoning Appeals and the applicant may, nevertheless, agree to a change in any such conditions, and the Board may, at the request of the applicant, extend the time during which the applicant shall notify the Board of his acceptance or refusal to accept the conditions and safeguards proposed.

(e) Within sixty days after he has notified the Board of Zoning Appeals of his acceptance, the applicant shall deliver to said Board all of the documents described in paragraph E 3 (c) (1) through (3) except the instrument and master deed required by paragraph E 3 (c) (1) (iii) - (iv) above, together with any and all other instruments and fees that may have been imposed as a condition or safeguard upon exercise of the special permit applied for.

(f) Upon receipt of all such material, the Board of Zoning Appeals may grant such special permit to the applicant in accord with the procedure set forth in said G.L. Chapter 40 A, Section 18, subject, however, to such conditions and safeguards as it may impose pursuant to Section 4 of the Zoning Enabling Act.

(g) The Board of Zoning Appeals shall have no power to issue a special permit under Section IXB:

(1) after the expiration of 36 months from the date on which the Attorney General shall have approved the By-Law amendment designating a Planned Development District for which the special permit is sought unless, after the expiration of such 36 month period, the consent of all but one of the members of the Planning Board shall be given to the issuance of a special permit in the manner provided by G.L. Chapter 40 A, Section 20. Such consent by all but one of the members of the Planning Board shall be effective for 12 months from its date, and may be extended for additional 12 month periods by similar vote of the Planning Board.

(2) unless the entire area in the Planned Development District is included in the planned development site described in the application for a special permit referred to in Section E (1) above.

4. Permits for Use and Construction

(a) No permit for the construction or alteration of any structure or for any new use of a structure or of land in planned development site shall be granted by the Inspector of Buildings or permitted by the Inspector of Zoning until the Planning Board shall have reviewed a copy of each application for a building permit and/or a use permit submitted to it by the applicant and notified the said inspectors in writing that:

(1) Less than one year has expired since the grant of the Special Permit or that a building or use permit has previously been granted for said site.

(2) The applicant has delivered the instrument required by paragraphs E 3 (a) (1) (iii) above to the Board of Zoning Appeals;

(3) The applicant has obtained binding commitments for the financing required to complete the stage of development proposed or in progress in residential land or that he has irrevocably committed personal funds sufficient for this purpose; and

(4) That the construction and/or use proposed is in substantial compliance with the definitive plan of the subdivision, where applicable, the planned development plan and the Zoning By-Laws of the Town of Wayland.

In the event that twenty days shall have elapsed after the Planning Board has received a copy of such application without submitting the aforesaid notification, the permit may issue as if the Planning Board had so notified the said inspectors.

(b) In the event that the Planning Board shall determine that the applicant has not satisfied the conditions and safeguards set forth in paragraph 4 (a) above or that any schedule, construction or use applied for will vary any of the following by ten percent or more from the planned development plan approved, it shall recommend that the inspectors of buildings and zoning withhold a permit therefor pursuant to the provisions of G.L. Chapter 40 A, Section 12, as the same may be, from time to time amended:

(1) The amount and location of ground coverage, including buffers;
(2) Adherence to the development schedule;
(3) The density and types of dwelling units, the size and
(4) The number of parking spaces required;
(5) The location of utility facilities;
(6) The location of paths, ways and traffic
(7) The economic impact of the planned development on the Town of Wayland.

(c) In such event, the applicant may either appeal such decision of the inspector of zoning pursuant to the provisions of G.L. Chapter 40 A, Section 13 or apply for modification of his special permit as hereinbelow provided.

5. Modification or Amendment of an Approved Plan

(a) In addition to the powers conferred upon it by G.L. Chapter 41, Section 81 W, the Planning Board shall have the power on its own motion or on the petition of any person interested to recommend that the Board of Zoning Appeals modify or amend its approval of the development plan annexed to its special permit, provided that no such recommendation may be filed until the Planning Board shall have satisfied the requirements of paragraph E 2 above.

(b) No modification of the provisions of said development plan, or part thereof, contained in the special permit, shall, nevertheless, be made, nor shall it be impaired by the Town, except with the written consent of the applicant.

6. Abandonment

In the event that the applicant shall abandon the work described in the development plan approved, or any portion or stage thereof for a period of one hundred twenty days, or if he shall fail to commence said work within the time prescribed in paragraph E 3(c)(2)(iv)above, the Board of Zoning Appeals may, after a hearing duly called and conducted in accord with G.L. Chapter 40 A, Sections 17 through 19, cause a notice of abandonment to be recorded in the Middlesex, South District, Registry of Deeds. No such notice shall be recorded, however, in the event that that the holder of any security interest in the planned development site, who has exercised his right to take possession of the mortgaged property and to proceed to completion of the work which he has contracted to finance, shall have delivered an instrument to the Board of Zoning Appeals, assented to by the applicant, accepting all the conditions and safeguards set forth in the special permit, as the same may have been, from time to time, modified; and such holder or holders shall, thereupon, be deemed the applicant hereunder. Upon the recording of a notice of abandonment, no further development shall take place in the development site unless the applicant shall have complied with the zoning and subdivision control regulations which would otherwise be applicable thereto.

F. USE AND MAINTENANCE OF LAND

1. Use of Private Open Space

No construction in or development of private open space shall be permitted unless the Board of Zoning Appeals shall have approved any of the following uses there in its special permit:

(a) Utility structures and facilities.

(b) Structures and facilities accessory thereto designed for agricultural and/or recreational purposes including structures designed to be used for the purposes and subject to the terms and conditions of Section V (d) 2 of the Zoning By-Laws.

2. Use and Maintenance of Residential Land

(a) No person shall occupy any structure constructed in the planned development site unless the Inspector of Buildings shall find that such structure, the land on which it is located and the improvements associated therewith, have been submitted by the applicant to the provisions of G.L. Chapter 183 A.

(b) In the event that any organization established under G.L. Chapter 183 A, Sections 8, 10 through 12 shall at any time fail to maintain its common areas and facilities in reasonable order and condition in accordance with the development plan set forth in the special permit, as the same may have been amended or modified from time to time, the Inspector of Buildings may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain its said areas and facilities in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen days of the notice. If the deficiencies set forth in the original notice shall not be cured within said thirty days or any extension thereof, the Town may maintain the same in reasonable condition at the expense of such organization and/or pursue any and all remedies that may be available to it under G.L. Chapter 40, Section 31, Chapter 40 A, or otherwise to assure the continued maintenance of all such residential land.

(c) No portion of any common areas and facilities shall be sold or otherwise disposed of by such organizations unless the Town shall have given written notice of its intent to sell and sixty days to exercise a right of first refusal.

(d) No portion of any condominium shall be removed from the provisions of said Chapter 183 A without the consent thereto by a two-thirds vote of a town meeting.

G. REGULATIONS

The Planning Board may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in this section of the Zoning By-Laws provided:

1 Said rules and regulations are not inconsistent with said standards and conditions.

2 A copy of said rules and regulations is filed in the office of the Town Clerk, and

3 Any amendment or change of said rules and regulations shall not apply to any application that shall have been submitted prior to such filing.

H. ENFORCEMENT

1 General Principles

(a) In accord with the provisions of G.L. Chapter 40, Section 31, Chapter 40 A, Section 22, Chapter 41, Section 81 U and Article 20 of the By-Laws of the Town of Wayland and every other authority and power that may have been or may hereafter be conferred upon it, the Town may enforce the conditions and safeguards imposed on the exercise of special permits under this Section IX in equity or at law and to recover from the applicant, his successor or approved assignee (s) all moneys that may be required to complete the development plan approved.

(b) The penalty provisions of these By-Laws may be imposed upon the applicant, his general agent, tenant (s), architect (s), contractor (s), or any and all persons having an interest in the development site, including a mechanic's lien, mortgage or attachment.

(c) The Town of Wayland shall be the beneficiary of all fines imposed on account of the violation of these By-Laws in order to defray the expense of enforcing the same.

(d) All provisions of the development plan approved shall run in favor of the residents thereof but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plan, covenant, easement, or otherwise, may be enforced at law or in equity by said residents acting individually, jointly, or through their organization.

2 Stop Order

(a) In the event of a violation of law, an unauthorized sale or lease of the development site approved, development that deviates from the development plan approved, any use of the property that is not permitted in the development site, the failure to maintain residential land or if the applicant shall otherwise fail or neglect to comply with the conditions and safeguards imposed on the exercise of his special permit, the Inspector of Zoning or the Inspector of Buildings may deliver a stop order to the applicant or his agent by certified mail, return receipt requested, and by posting the same in a conspicuous location in said site. The order shall describe the nature of the violation, and the date on which said order shall expire, which date shall not be six days later than the date of the order.

(b) Any person who shall violate the provisions of a stop order shall be deemed in violation of these Zoning By-Laws.

(c) Failure of the Town to deliver a stop order for any reason shall not prevent the Town from pursuing any other legal remedy permitted under law.

I. FEES

In order to reimburse the Town for the expense of processing the various applications hereinabove provided for, the Board of Zoning Appeals may, from time to time, adopt and promulgate in its Regulations a schedule of fees payable by the applicant, a copy of which shall be kept on file and available in the office of the Town Clerk.

J. DEDICATION TO PUBLIC USE

All persons applying for a special permit to the Board of Zoning Appeals seeking an exception under this Section IX B to the regulations and restrictions contained in the Zoning By-Laws of the Town of Wayland acknowledge that their proposal to construct multi-residence dwellings in the Town of Wayland will be considered by the Board by reference to the Town's objective to preserve open space for all its inhabitants by permitting a greater density of dwelling units in Planned Development Districts than would otherwise be permitted there by law, and their offer to convey property shown as "public land" in their development to the Town shall be construed in satisfaction of a condition which the Board may lawfully impose pursuant to G.L. Chapter 40 A, Section 4 so that exceptions sought by applicants shall always be in harmony with the general purpose and intent of these By-Laws.

K. SEVERABILITY

A determination that any specific portion of this Section IX B is invalid shall not render any other part thereof invalid."

or take any action relative thereto.

And you are required to serve this Warrant by posting copies thereof, attested by you, at the Town Office Building, at the Cochituate Town Building, and at each Library in Town, seven days, at least, before the time of holding said meeting.

Hereof, fail not and make due return of this Warrant with your doings thereon to the Town Clerk on or before October 30, 1974.

Given under our hands and seal this twenty third day of September in the year our Lord one thousand nine hundred and seventy four.

CATHERINE W. SEILER
L. THOMAS LINDEN
JOHN B. WILSON
JOHN R. McENROY
HERBERT N. ODELL, JR.
Selectmen of the Town of
Wayland

JONATHAN STRONG
MARK S. MORDECAI
ROBERT S. SWAIN, JR.
BRUCE F. KINGSBURY
MARCIA P. CROWLEY
PAUL J. FRANCHI
Finance Committee

TOWN OF WAYLAND
Board of Selectmen
38 COCHITUATE ROAD
WAYLAND, MASS. 01778

Bulk Rate
U. S. Postage
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Permit No. 16
Wayland, Mass.

TRAGESER DAVID A
27 CONCORD ROAD
WAYLAND MASS. 01778